PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING

Rec'd PCT/PTO 21 SEP 2004

PCT

WRITTEN OPINION

(PCT Rule 66)

To:
MEDIGENES

#1822, Hyundai Venture Vill B/D 713 Suseo-dong, Gangnam-Gu, 135-539 Seoul Republic of Korea

Date of mailing *(day/month/year)*	30 MARCH 2004 (30.03.2004)
REPLY DUE	within 2 months from the above date of mailing

Applicant's or agent's file reference	International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCTA/MEDI/2	**PCT/KR2003/000922**	09 MAY 2003 (09.05.2003)	09 MAY 2002 (09.05.2002)

International Patent Classification (IPC) or both national classification and IPC

IPC7 A61K 35/16

Applicant

MEDIGENES et al

1. This written opinion is the first (first,etc.) drawn by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
   - I [X] Basis of the opinion
   - II [ ] Priority
   - III [ ] Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
   - IV [ ] Lack of unity of invention
   - V [X] Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
   - VI [ ] Certain documents cited
   - VII [ ] Certain defects in the international application
   - VIII [ ] Certain observations on the international application
3. The applicant is hereby invited to reply to this opinion.

   When ? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d)

   How ? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3
   For the form and the language of the amendments, see Rules 66.8 and 66.9

   Also For an additional opportunity to submit amendments, see Rule 66.4
   For an examiner's obligation to consider amendments and/or arguments, see Rule 66.4bis
   For an informal communication with the examiner, see Rule 66.6

   If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 30 AUGUST 2004 (30.08.2004)

Name and mailing address of the IPEA/KR	Authorized officer
Korean Intellectual Property Office 920 Dunsan-dong, Seo-gu, Daejeon 302-701, Republic of Korea	WON, Ho Joon
Facsimile No. 82-42-472-7140	Telephone No. 82-42-481-5605

Form PCT/IPEA/408 (cover sheet) (July 1998)

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WRITTEN OPINION

International application No.
PCT/KR2003/000922

I. Basis of the opinion

1. With regard to the elements of the international application:*

- [X] the international application as originally filed
- [ ] the description:
  pages _____, as originally filed
  pages _____, filed with the demand
  pages _____, filed with the letter of _____
- [ ] the claims:
  pages _____, as originally filed
  pages _____, as amended (together with any statment) under Article 19
  pages _____, filed with the demand
  pages _____, filed with the letter of _____
- [ ] the drawings:
  pages _____, as originally filed
  pages _____, filed with the demand
  pages _____, filed with the letter of _____
- [ ] the sequence listing part of the description:
  pages _____, as originally filed
  pages _____, filed with the demand
  pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
These elements were available or furnished to this Authority in the following language English which is

- [ ] the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- [X] the language of publication of the international application(under Rule 48.3(b)).
- [ ] the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

- [ ] contained inthe international application in printed form.
- [ ] filed together with the international application in computer readable form.
- [ ] furnished subsequently to this Authority in written form.
- [ ] furnished subsequently to this Authority in computer readable form
- [ ] The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international applicationas as filed has been furinshed.
- [ ] The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. [ ] The amendments have resulted in the cancellation of:
   - [ ] the description, pages _____
   - [ ] the claims, Nos. _____
   - [ ] the drawings,sheet/fig _____

5. [ ] This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box(Rule 70.2(c)).

* *Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."*

WRITTEN OPINION

International application No.
PCT/KR2003/000922

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1, 3, 6
	Claims	
Inventive step (IS)	Claims	
	Claims	1 - 6
Industrial applicability (IA)	Claims	1 - 6
	Claims	

2. Citations and explanations

1. 신규성
본원의 특허청구범위 제1항, 제3항 및 제6항은 가축으로부터 유래한 혈장 또는 혈청을 활성 성분으로 포함하는 창상 치료용 약학 조성물을 청구하고 있으나, 국제조사보고서에 기재된 인용참증 D1(JP07-267992A(1995.1.7))에 포유동물의 혈장에서 유래한 단백질 PHBP-70을 함유하는 창상 치료제가 기재되어 있는 바, 본원의 상기 제1항, 제3항 및 제6항에 기재된 발명은 발명의 신규성이 인정되지 않습니다. (Article 33(2) PCT)

2. 진보성
특허청구범위 제1항, 제3항 및 제6항은 신규성이 인정되지 않으므로 진보성에 관해 논하지 않습니다.

특허청구범위 제2항은 상기 제1항 기재의 조성물이 PH 3.5 내지 6.5의 약산성인 것으로 한정하고 있으나, 상기 조성물의 산성화는 본원 명세서에 인산 등의 무기산 또는 유기산을 혈장 또는 혈청에 첨가하는 것으로 기재되어 있고, 상기 D1의 창상치료제의 제조방법을 기재한 실시예 역시 인산을 가하여 조성물을 산성화시키는 과정이 기재되어 있어, 상기 D1에 비록 구체적인 창상 치료제 조성물의 PH값이 기재되어 있지 않다하더라도, 약산성의 조성물의 최적화된 PH값을 예측하는 정도는 통상의 당업자에게 자명한 사실로 인정되어 상기 제2항은 발명의 진보성이 인정되지 않습니다.

특허청구범위 제4항은 상기 제1항의 조성물이 국소투여되는 것으로 더욱 한정하고 있는 종속항이나, 상기 D1에 기재된 단백질 PHBP-70을 함유하는 창상 치료제는 창상 치료시 적당한 수용성 기제와 혼합하여 국소적으로 직접 환부에 도포하는 투여법이 가장 적합하다고 기재되어 있는 바, 상기 D1에 의해 발명의 진보성이 인정되지 않으며,

또한 특허청구범위 제5항의 상기 제1항 기재의 조성물의 제형에 그 특징이 있으나, 창상 치료제를 크림, 연고, 겔, 액제, 분말제 또는 패치제의 형태로 제제화하는 기술은 국제조사보고서에 기재된 인용참증 D2(JP03-240738A(1991.10.28))에 기재되어 있는 것처럼 통상의 당업자에게는 일반화된 기술인 바, 상기 D1과 D2에 기재된 발명을 조합하는 정도는 통상의 당업자에게는 자명한 사실로 인정되어 발명의 진보성이 인정되지 않습니다.

따라서 본원의 특허청구범위 제1항 내지 제6항의 발명은 발명의 진보성이 인정되지 않습니다. (Article 33(3) PCT)

3. 산업상 이용가능성
본원의 특허청구범위 제1항 내지 제6항은 산업상 이용가능한 발명으로 인정됩니다.